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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 April 2000, at 3 p.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. IBRAHIM (Vice-Chairman)	(Sudan)
later:	Mr. JAKUBOWSKI (Vice-Chairman)	(Poland)

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The meeting was called to order at 3 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

(E/CN.4/2000/6 and Add.1 and 2, 46 and Add.1, 47-49, 51, 52/Add.1 and 53; E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140; CHR/RES/1998/25 and 26; E/CN.4/Sub.2/1999/10 and 12; E/CN.4/1999/48 and 49; E/1999/55; A/54/222 and Add.1 and 316)

1. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) gave an account of what had been done in her country to find a solution to the water shortage. Most of its territory being situated in the Sahara, the Libyan Arab Jamahiriya was faced with problems of desertification and drought. The population's survival thus depended on groundwater; over time, that had resulted in a gradual depletion of the water-table. The groundwater had subsequently revealed a high salt concentration caused by the infiltration of sea water. The discovery, following a geological study, of underground springs in the southern part of the country had given rise to a project for a large artificial river.

2. The question had been how best to harness that new resource so as to bring the water to the populated and agricultural areas along the coast with minimum loss avoiding canal leakage and evaporation in the summer. To that end, a gigantic system of underground cement canals with a diameter of four metres had been put into place to channel the water to the reservoirs. The canals had sophisticated equipment which regulated the flow and controlled the distribution of the water.

3. Mr. MORA SECADE (Centro de Estudios Europeos) said that his organization shared the view of the authors of the report on foreign debt and structural adjustment policies (E/CN.4/2000/51) that the enhanced heavily indebted poor countries (HIPC) initiative was merely a sham. Curiously enough, the initiative had appeared just when the Jubilee 2000 movement and other movements had been on the verge of winning the battle in world public opinion for cancelling the external debt of the third-world countries. In actual fact, the aim of the initiative was to perpetuate the servicing of the foreign debt, which plundered the third world. If the industrial countries really wanted to help promote economic, social and cultural rights, they would not systematically reduce official development assistance (ODA) and would adopt a code of conduct for transnational corporations, which imposed their will on the G-7, the international financial institutions and the World Trade Organization (WTO).

4. It was therefore incumbent upon the Office of the High Commissioner for Human Rights (OHCHR) to ensure that economic, social and cultural rights were fully integrated into the activities of those organizations. OHCHR must also work more closely with the non-governmental organizations (NGOs) active in the areas of development cooperation and social, economic and cultural rights, and it also needed staff members qualified in the field of economic, social and cultural rights and the right to development.

5. All States must refrain from imposing unilateral or multilateral measures prejudicial to the basic rights of other peoples, as had been done, for example, by the United States in imposing a blockade on Cuba for more than 40 years. The world had sufficient resources to

resolve problems such as hunger and extreme poverty and ensure respect for all economic, social and cultural rights. What was lacking was the political will, notably the determination to share wealth more equitably between the rich countries and the poor countries and within the societies of each country and not to sacrifice human well-being and human rights on the altar of profits and competitiveness.

6. Mr. MANCISIDOR (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme) said that the initiatives taken since 1996 by the International Monetary Fund (IMF) and the World Bank in favour of the heavily indebted poor countries had not produced the expected results and had had very grave social consequences. The debt phenomenon was revelatory of the dependence of the countries of the South in an unjust international economic environment. More and more voices had been raised to call for cancellation of the debt. At the G-7 meeting held at Cologne in June 1999, a petition with more than 17 million signatures demanding cancellation of the debt had been submitted to the leaders of the industrial countries. In Spain, a similar petition supported by more than 400 NGOs had collected over a million signatures.

7. His organization urged that the debt of the poorest countries be cancelled, that that of the other countries be renegotiated and that the resources not used to reimburse the debt be allocated to social expenditure and contribute to sustainable development and the elimination of poverty. An ad hoc international court should be established to try persons accused of unlawful enrichment in connection with the payment of the foreign debt. Lastly, the Commission should bring to the attention of the IMF and the World Bank the recommendations contained in the report on the effects of foreign debt and structural adjustment policies (E/CN.4/2000/51).

8. Ms. DE JESUS SOARES (Asian Buddhist Conference for Peace) said that the rights of the Jumma people continued to be violated in the Chittagong Hill Tracts of Bangladesh. Established after the 1997 Peace Accord, the Interim Regional Council, made up of civilian administrators, was unable to function for lack of funds. As for the region's Development Board, it was still under military control. Development activities were stagnant, and the economic situation had deteriorated. Some 3,000 refugees who had returned to the Chittagong Hill Tracts had not been given back their land as promised by the Government. The settlers had been favoured in development programmes, and 99 per cent of commerce was under their control. Socio-cultural rights had not been protected either: forced marriages, forced religious conversions, omnipresence of the army at all gatherings and failure to respect customary law. The tribal cultural institutes received insufficient grants.

9. In Indonesia, the Government had still not ratified the International Covenant on Economic, Social and Cultural Rights. However, her organization welcomed the new government approach to human rights issues, in particular the adoption of the Human Rights Act and the appointment of a Minister of State for human rights. But the new focus clearly concerned civil and political rights rather than economic, social and cultural rights, which apparently continued to be regarded as secondary. Indonesia had above all accommodated the interests of domestic and foreign capital, to the detriment of the interests of the people. In the future, it was essential that economic decisions should take into account the interests of local and indigenous communities and of the people at large.

10. Her organization thus urged the Commission to remind Indonesia of its promise to ratify the International Covenant on Economic, Social and Cultural Rights and to incorporate its principles into domestic legislation and economic policy.

11. Ms. INGRAM-YOUNG (Human Rights Advocates, Inc.) said that the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products on the enjoyment of human rights must be enlarged for several reasons. A number of countries were not parties to the Basel Convention and thus were not bound by its provisions; the mandate did not cover human rights violations resulting from environmental degradation caused by such legal products as toxic pesticides and many industries were not covered by the mandate or by other treaties. Moreover, although the Basel Convention explicitly forbade the countries of the Organization for Economic Cooperation and Development (OECD) to export hazardous wastes to other countries, it had very often been violated, mostly by multinational corporations, notably in the ship-breaking industry, since the vessels concerned contained large quantities of toxic materials. The workers who scrapped the ships did not have adequate protective gear, and their lives and health were in grave danger. It was a well-known fact that one in four workers in that sector would develop cancer.

12. The Rotterdam Convention on Prior Informed Consent for certain chemicals required that harmful pesticides, banned or severely restricted in at least two countries, could not be exported unless explicitly agreed to by the importing country. FAO reported that such pesticides were still used in many developing countries, notably in Latin America and Africa, and were the cause of many deaths and illnesses among workers who were exposed to them without appropriate protective clothing.

13. The use and transport of other legal toxic substances which were not covered by the Special Rapporteur's mandate had resulted in serious human rights violations. In Tabasco, Mexico, PEMEX, the national oil company, had destroyed 60 per cent of the region's crops and vegetation, ruining the livelihoods of thousands of farmers, fishermen and cattle ranchers. In the State of Guerrero, anti-logging activists had been illegally arrested and even tortured or killed by the Mexican military. In Colombia, members of the U'wa tribe were protesting against oil exploration on their ancestral territory.

14. In conclusion, her organization urged that the Special Rapporteur's mandate be expanded to include the impact of environmental problems on human rights, as recommended by the Working Group on enhancing the effectiveness of the mechanisms of the Commission.

15. Mr. Ibrahim (Sudan), Vice-Chairman, took the Chair.

16. Mr. LADOR (Earthjustice Legal Defense Fund) drew attention to one of the cases presented by the Special Rapporteur in her report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2000/50 and Add.1): the dumping of 3,000 tons of highly toxic wastes in Sihanoukville (Cambodia) by the Taiwanese company Formosa Plastic Corporation, the world's largest PVC manufacturer. Two people who had been exposed to those wastes had died and hundreds had become ill. Forced by the Cambodian Government to remove the wastes in February 1999, the company had unsuccessfully attempted to ship them to the United States and then to France

and Germany. Two organizations, Greenpeace and the Basel Action Network, had discovered that the Netherlands Government had allowed 32 containers of toxic wastes to be secretly shipped in December 1999 from Taiwan to the Netherlands for incineration. Those wastes contained high levels of mercury, which did not burn, but vaporized, constituting a grave danger to the health of the population and to the environment.

17. In January 2000, high cyanide concentrations from a mining operation in Romania had seriously contaminated several rivers in central Europe, including the Danube. A similar disaster had been caused by the Australian mining company Dome Resources in March in Papua New Guinea.

18. Even when toxic substances were not illicitly transported or dumped, the manner in which they were manufactured, used or disposed of could violate human rights, in particular those of minorities and indigenous persons, who often lived in areas where such substances were stored. Hence the need for the Commission to extend the Special Rapporteur's mandate to include all human rights violations arising out of harm to the environment.

19. Mr. TEHRANI (Organization for Defending Victims of Violence) said that, 50 years after the adoption of the Universal Declaration of Human Rights, which provided that everyone had the right to a standard of living adequate for the health and well-being of himself and his family, there were more than 1.2 billion people living in extreme poverty, the rejects of the new world order.

20. At the World Summit for Social Development, held at Copenhagen in March 1995, the heads of State had pledged themselves to reduce inequalities and eradicate extreme poverty, each State setting a target date as a function of its national context. Much remained to be done to attain that objective. According to the World Bank, the number of persons living in poverty had risen from 1.23 billion in 1987 to 1.31 billion in 1993. Those persons lived primarily in the countries of the third world, but also in developed countries and countries with economies in transition.

21. In the light of that situation, his Organization urged the Commission on Human Rights to decide that the Sub-Commission on the Promotion and Protection of Human Rights should take follow-up action to the workshop on human rights and extreme poverty held in August 1999 and examine the workshop's proposal to convene a second consultation on a possible draft declaration on human rights and extreme poverty.

22. Ms. CERVANTES VÁSQUEZ (Organization for the Solidarity of the Peoples of Asia, Africa and Latin America (OSPAAL)) said that the 114 NGO representatives from 31 third-world countries who had met in Havana, Cuba, from 1 to 3 March 2000 to consider the consequences of globalization had denounced the neo-liberal policy championed by transnational capital and international institutions such as the IMF and the World Bank which had led to a concentration of wealth in the hands of a minority and an increase in the number of persons living in poverty to more than 1 billion.

23. OSPAAL therefore urged that foreign debt, the expression of an unjust international economic order, should be cancelled, that the third-world countries should not be deprived of

new know-how and technologies through the strict application of intellectual property rights, that the ODA decline should be halted and that measures which violated international law and the sovereignty of States, such as the blockade imposed on Cuba by the United States, should be ended.

24. The time had come to establish international instruments and machinery to ensure respect for the economic, social and cultural rights of the peoples of the South, whose resources had been pillaged with impunity by those who were currently violating their right to development. It was abnormal that structural adjustment measures should not be regarded as violations of human rights and that there had never been any question of compensation, to which the victims of those violations, i.e. 78.4 per cent of the world population, were entitled.

25. Mr. AHSAN (World Federation of Democratic Youth) said that it was difficult for a heavily indebted country to ensure the full exercise of human rights and the right to development, the more so if the country in question, Pakistan, devoted a large part of its annual budget to the purchase of military equipment. Those most affected by that policy were the Mohajirs.

26. Although in the majority in the province of Sindh, the Mohajirs were not fairly represented in the legislative bodies. All sorts of anti-democratic ploys were used to prevent the Mohajirs from playing a role in the administration of public affairs commensurate with their numerical strength. The same applied to the Sindhis, who could not fully exercise their economic and social rights. Punjabi military and civilian leaders had appointed Mohajirs to several key posts solely to give the impression of change. His organization urged the Commission to examine the flagrant violations of the political, economic and cultural rights of the Mohajirs, who had played a crucial role in the creation of the State of Pakistan, which was currently oppressing them in all walks of life.

27. Ms. BALOCH (Pakistan), speaking on a point of order, said that the agenda item under consideration concerned economic, social and cultural rights, not civil and political rights.

28. The CHAIRMAN asked the speaker to confine himself to agenda item 10.

29. Mr. AHSAN (World Federation of Democratic Youth) asked the Commission to invite the Government of Pakistan to reverse its policy of discrimination against and repression of the Mohajirs and Sindhis and to allow true democracy and pluralism to take root in all organs of society.

30. Mr. MBOMIO (North-South XXI) said that violations of the basic conventions of the International Labour Organization (ILO), the International Covenant on Economic, Social and Cultural Rights and the Vienna and Copenhagen Declarations had produced few reactions, save from some NGOs and trade unions.

31. It was regrettable that the right of humanitarian intervention did not encompass the right to intervene when there was a massive violation of social rights. For example, the main operators who lorded it over the agribusiness market were engaged in "discreet genocide", in the words of the "international farmers' march" of May/June 1999. The destruction of the

agriculture of the countries of the South and the extinction of the class of small farmers throughout the world were the fruit of implacable free-trade logic. The scene was thus set for rising unemployment, increasing malnutrition and the use of food as a weapon. Mexico, for example, a member of the North American Free Trade Area (NAFTA) which had undergone 14 years of structural adjustment, was currently importing 43 per cent of its foodstuffs, as compared with 20 per cent in 1992 and had 40 million people living in extreme poverty. International financial institutions and the WTO were the spearheads of the markets and indifferent to the social consequences of their policy. The WTO considered barriers to free trade to be worse than breaches of basic social rights. The globalization of the markets and the dominant role played by transnational corporations made it necessary to introduce the right to intervene on social grounds.

32. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that she was concerned at the tendency to disconnect economic, social and cultural rights from civil and political rights, although, according to the International Covenant on Economic, Social and Cultural Rights they were indivisible. Some Governments hijacked economic, social and cultural rights as an alibi for flouting civil and political rights, Burma being a case in point. The activities of the military regime had caused famine and malnutrition in a country which had not suffered from any natural disasters and which had formerly been the rice-bowl of Asia. The Burmese Government favoured military expenditure to the detriment of the population's well-being. The public health services had recorded a spectacular drop over a 10-year period, despite the spread of AIDS, and spending on education as a share of national income was among the lowest in the world. At the cultural level, ethnic minorities such as the Mon were the victims of discrimination in the form of a ban on the teaching of their language. Most of the country's universities were shut, thus jeopardizing the future of its young people.

33. It was regrettable that the Association of South-East Asian Nations (ASEAN), a champion of economic, social and cultural rights, was collaborating with the Burmese regime instead of trying to rectify the situation. It was the more deplorable because instability was contagious and neighbouring countries might one day have to suffer from the fallout of events in Burma. ASEAN and the whole world should learn the lessons of recent events in East Timor and take preventive action before it was too late.

34. Mr. Jakubowski (Poland), Vice-Chairman, took the Chair.

35. Mr. RENARD (International Federation Terre des Hommes) denounced the spread of dire poverty in the world, which was particularly affecting children. At its session in November 1999, the Committee on Economic, Social and Cultural Rights had expressed special concern about malnutrition in Mexico, where social activities did not extend to rural areas or the indigenous peoples. Although the national economy was growing, the minimum wage remained inadequate and structural adjustments had caused the elimination of many jobs to the detriment of numerous families. Furthermore, legislation on basic schooling was not complied with and the social security system had been privatized. The economic stabilization and adjustment programme introduced in Mexico 16 years previously had thus been a failure. Moreover, NGOs had denounced an unbalanced development process which was placing certain regions of the country at a disadvantage.

36. Mexico was not the only example of a dichotomy between economic growth and social development. States had to be urged to put into practice the declarations of intent they had made in Vienna in 1993 in favour of a protocol to the International Covenant on Economic, Social and Cultural Rights. His organization welcomed the recommendations contained in the report of the High Commissioner for Human Rights (E/CN.4/2000/49), but deplored the disinterest of many States in the proposed draft protocol. It supported the High Commissioner's recommendation that a working group be instructed to examine that draft and it encouraged States to demonstrate a firmer political will. The NGOs which had helped to formulate the recommendations of the World Summit for Social Development in Copenhagen would once again voice their concern at the special session of the United Nations General Assembly to be held in Geneva.

37. Ms. PROUVEZ (International Commission of Jurists) emphasized the indivisibility of human rights, which meant that economic, social and cultural rights could be invoked in court. The adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, providing for a system of individual and group complaints, would be a very important way of guaranteeing respect for those rights. States which had acceded to regional or international machinery or instruments providing for such individual or collective complaints should support the adoption of the protocol, as failure to do so would be a blatant self-contradiction, since they had asserted their recognition of the indivisibility and interdependence of all rights.

38. An optional protocol would permit the development of a body of jurisprudence that was indispensable if practical effect were to be given to economic, social and cultural rights. Similarly, it would help to clarify the conflicting obligations imposed on States by international human rights treaties and international economic agreements, as well as their responsibility for vulnerable sections of the population adversely affected by globalization. Moreover, through a more detailed examination of State responsibility, a system of individual and group complaints would make it possible to clarify the responsibility of transnational corporations for violations of economic, social and cultural rights.

39. Her organization welcomed the report of the High Commissioner for Human Rights on the draft optional protocol (E/CN.4/2000/49), which had received the support of many States and governmental and non-governmental organizations. On the other hand, it deplored the fact that so many States had failed to submit their comments in response to the request in resolution 1999/25 of the Commission on Human Rights. Nevertheless, enough suggestions and observations had been received for action to be taken on the proposal made by the High Commissioner in paragraph 32 (b) of her report that the draft optional protocol should be studied further by an open-ended working group.

40. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that it was necessary to give up the idea of the repayment of foreign debt, in the first place because the debtors did not have the means to repay it (and, moreover, the sums paid out in debt servicing were already greater than the amounts borrowed), and secondly, because repayment would fuel the deflationary trends that were undermining the world's economy. Successive adjustments of the international debt rescheduling strategy were in fact tending to legitimize a

usury model designed to perpetuate rather than reduce indebtedness. Furthermore, the refusal of the IMF and the World Bank to reschedule the loans to heavily indebted poor countries (HIPCs) was merely worsening the difficulties of those least able to service their debt.

41. His organization had strong reservations about the HIPC initiative which, it thought, was questionable because it subordinated easing of the debt burden to the obligation to fight poverty, an inadmissible condition in view of the fact that the structural adjustment and austerity measures imposed by the Fund and the Bank had contributed to the spread of poverty.

42. The Commission should persevere in asserting the right to development and act to secure genuine respect for economic, social and cultural rights.

43. Mrs. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that economic, social and cultural rights were the hardest to implement, notwithstanding decades of effort. The globalization of the economy, which was taking its toll on developing countries and the disadvantaged social classes in the industrialized countries, was an unavoidable phenomenon. An attempt could be made to control its most harmful effects by seeking new ways of ensuring an adequate standard of living and a continuous improvement in living conditions for everyone, in accordance with article 11 of the International Covenant on Economic, Social and Cultural Rights.

44. Her organization, which included 71 national associations among its members, was well placed to evaluate the various solutions that had been proposed. At the international level, priority had to be given to lightening or cancelling the poor countries' debt, so that the sums devoted to servicing it could be reallocated to development activities. At the national level, among the schemes mentioned in the note by the Secretariat on economic, social and cultural rights (E/CN.4/2000/51), attention should be paid to the Brazilian scholarship programme, which had made it possible to solve the problem of children dropping out of school. Education and training were important for the exercise of economic, social and cultural rights and promoted development, for experience had shown that prosperous countries were those with an educated population.

45. Although it was hard to implement economic, social and cultural rights, the task could be accomplished, provided that Governments demonstrated genuine political will and that the public authorities and civil society took concerted action. Her organization, like many other NGOs, was prepared to participate in that effort.

46. Mr. KUA (Rural Reconstruction Nepal (RRN)) said that his organization was concerned about violations of the rights of the Lhotsampa people in southern Bhutan, which were resulting in the destruction of an entire culture. More than 100,000 Bhutanese refugees had fled to Nepal and India after having been evicted from their homes by the army in 1990 for having demonstrated peacefully against the absolute monarchy. The land resettlement programme being carried out in the region infringed the ownership rights of the people who were currently languishing in refugee camps in Nepal. The resettlement campaign was continuing despite the appeal launched in 1998 by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and was endangering the bilateral talks between the Governments of Nepal and Bhutan concerning the repatriation of refugees.

47. His organization fervently appealed to the Commission to request the Royal Government of Bhutan, which was a member of the Commission, immediately to halt resettlement in southern Bhutan, to withdraw all the people who had been resettled on refugees' land and to make firm repatriation arrangements.

48. His organization was likewise concerned at the situation in Malaysia. The country was facing a serious water shortage due to the mismanagement of water resources. Instead of rationalizing management, the Government was building more and more dams which forced the population to move and destroyed the environment. The Bakun dam in Sarawak was one example of a useless, ill-advised project. Although the project had been suspended in the wake of the financial crisis in 1997, the Government had gone ahead with the displacement of nearly 10,000 indigenous people without consulting them or taking account of the advice of NGOs and elected representatives.

49. His organization protested against other violations of human rights in Malaysia. Women were subjected to all kinds of discrimination and violence. Two decades of urban development had led to forced evictions, often with the complicity of municipal authorities and the police. Trade unions were harassed and workers' demands ignored. Affordable housing was scarce, although there was a glut of luxury accommodation. According to the United Nations Development Programme (UNDP), Malaysia had the highest rate of income inequality in Asia. National cultural policy neglected the cultural rights of minorities. Non-Muslims encountered religious and scholastic discrimination, while access to the civil service was governed by a racially discriminatory system of quotas. In higher education, the freedom of universities was stifled and some had been closed.

50. The ruling coalition claimed that human rights were purely Western values, yet those rights had been embodied in Malaysia's first Constitution and had been respected until the Constitution had been amended by an increasingly authoritarian Government.

51. Ms. PARKER (International Educational Development Inc.) once again drew the Commission's attention to the humanitarian catastrophe caused by the sanctions applied to Iraq and of the grave health consequences resulting from the use by United States and United Kingdom forces of weaponry containing depleted uranium. Everyone knew that economic sanctions were ineffectual and that although civilians might not legally be targeted, theirs was the sector of the population that was worst hit. Although it was obvious that the sanctions were politically useless and were generally condemned, the purpose behind the United States' intransigence was, perhaps, to cover up the catastrophic and inhuman effects of the weapons used. The extent of the catastrophe was such that two representatives of the United Nations and the representative of the World Food Programme (WFP) in Iraq had resigned in protest and several specialized United Nations agencies were expressing their deep disquiet. The so-called "modificatioes" to the sanctions regime had produced no progress, for the embargo was still preventing the import of essential goods.

52. Sanctions were contrary to the elementary principles of humanitarian law and the Charter of the United Nations, especially in the fields of food and medical relief. Her organization urged the Special Representative of the Secretary-General to investigate the situation of Iraqi children

and the health effects of the use of weapons containing depleted uranium, possibly within the framework of a joint mission with the Commission's Special Rapporteur on the illicit movement of toxic waste.

53. Her organization welcomed the lifting in 1999 of regional sanctions against Burundi, since they had had serious repercussions on the civilian population, which was still suffering from their aftermath. It was delighted that Mr. Nelson Mandela was acting as peace negotiator in the Arusha talks. It pressed for an examination of means of remedying those aspects of sanctions which were incompatible with humanitarian law, taking into account general comment 8 (1997) of the Committee on Economic, Social and Cultural Rights, and it requested the Commission to encourage all potential donors to supply emergency humanitarian aid to Burundi.

54. Lastly, the full impact of the two periods of sanctions on Yugoslavia was not yet known, but it would seem that they had impoverished 80 per cent of the population. The situation had been aggravated by the use of depleted uranium by the forces of the North Atlantic Treaty Organization (NATO) in 1999. Her organization demanded the disclosure of all areas in which uranium weapons had been deployed, in accordance with the judgement by the International Court of Justice in the Corfu Channel Case (1949), and it likewise called for a comprehensive study of the effects of sanctions on the civilian population of Yugoslavia.

55. Mr. KALENDE (New Humanity) referring to the educational situation in the developing countries, said that too many of the world's children were not attending school and there were hundreds of millions of people who were illiterate. The countryside, which predominated in developing countries, was the worst affected. A lack of resources meant that Governments concentrated on State schooling and left private education to religious bodies, NGOs or associations. The notion of private education should, perhaps, be reconsidered, with a view to sharing responsibilities between the public and private sectors, so as to meet the obligation to provide universal and free education. In the campaign against ignorance - a major obstacle to development - all the partners concerned should make an effort to finance education, on which only a modest sum was spent in comparison with military expenditure.

56. His organization called on Governments and civil society to join forces to improve education and to recognize, regulate and finance private education; it recommended cooperation among States and solidarity among individuals in the educational sphere, especially in order to help the rural areas.

57. Mr. PARRY (Indian Movement "Tupaj Amaru") said that, in all social groups, the fundamental rights were the rights to food, clothing and shelter. Only the indigenous civilizations had understood that immutable reality.

58. At the end of the Second World War, the IMF and the World Bank had been established to promote the economic development of the world's poorest countries. But, 55 years later, the results of the financial policy carried out by those institutions were far from conclusive. According to its Articles of Agreement, the purposes of the IMF were, inter alia, to facilitate the balanced growth of international trade, to contribute to the maintenance of high levels of employment and real income and to the development of productive resources to promote

exchange stability and to lessen the degree of disequilibrium in balances of payments. Currently, however, through its recommendations, it was promoting the liberalization of world trade, salary freezes, budget reductions in the areas of health and education and unbridled privatization of public enterprises. The United States of America, on which the IMF had not imposed a structural adjustment programme even though it had a deficit of US$ 300 billion, had acquired disproportionate power within the Fund. It controlled 17.8 per cent of the votes and could oppose any decision that it deemed to be at variance with its interests. At the same time, a great many debtor countries had had to give up some of their economic independence and national sovereignty under the sacrosanct principle of conditionality.

59. In his report on the effects of structural adjustment policies on the full enjoyment of human rights (E/CN.4/1999/50), the independent expert, Mr Fantu Cheru, had analysed in an objective way the adverse effects of those policies, and his conclusions and recommendations deserved the attention of the States and specialized agencies. The problem of foreign debt was currently a double-edged sword in the strategy of neocolonial domination that had prevailed since the colonization of the Americas. It could turn into a time bomb whose explosion might bring down the world economy. According to the data presented by the independent expert, the total foreign debt owed by developing countries was US$ 1,853 billion (US$ 656 billion for Latin America, US$ 340 billion for Africa, and US$ 857 billion for Asia). According to a UNDP study, Bolivia, Guyana, Honduras and Nicaragua were the poorest countries in Latin America in 1996, with a total debt of US$ 17 billion.

60. Those figures showed that the Commission on Human Rights should consider on a priority basis the negative role of the IMF and the World Bank and should call on States to modify the operating rules of the international financial institutions.

61. Mr. ARNOTT (War Resisters' International) said that, in its 1994 Human Development Report, UNDP presented a number of early warning signals of impending national economic breakdown in a number of "countries in crisis", including Afghanistan, Angola, Haiti, Iraq, Mozambique, Burma, Sudan and Zaire. Those countries were apparently engaging in excessive military spending from their budgets. There was, however, one aspect of military activity that the report did not bring out in any detail, namely the direct oppression by the military of rural populations, an oppression which frequently led to the collapse of the rural economy and mass exodus.

62. That was the situation in Burma, a country which had a wealth of human, agricultural and mineral resources but whose economic and social situation had deteriorated because of the role of government policy, as shown in the report of the ILO Commission of Inquiry on forced labour in Myanmar, the report of the People's Tribunal on Food Scarcity and Militarization in Burma, the World Bank study on Myanmar and the report of the Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2000/38). Those and other reports indicated that the main cause of the severe decline of economic and social conditions was a policy of militarization combined with inept economic policy and an almost complete lack of popular participation in social and economic decision-making. Forced relocations of population groups were also a major dimension of militarization. Most of those patterns visible in Burma could also be seen in the other countries identified by UNDP. Structural adjustment programmes, high levels of debt and a lack of natural resources must also be seen as major causes of poverty.

63. His organization proposed that, in its resolution on the situation of human rights in Myanmar, the Commission should reflect the Special Rapporteur's analysis of the violation of economic, social and cultural rights in, for instance, a preambular paragraph that would read: "Noting with concern the observations of the Special Rapporteur that the policy of the Government of Myanmar, which favours military over social objectives and denies any popular participation in the economic and social spheres is largely responsible for the high levels of malnutrition and infant and maternal mortality in Myanmar, as well as for the increased incidence of HIV/AIDS, heroine addiction and the erosion of education over the past decade." The resolution could also include an operative paragraph to read: "Condemns the social and economic abuses, including systematic deprivation of food, resulting from government policies, and strongly urges the Government of Myanmar to allow effective popular participation in social and economic decision-making".

64. The Commission should incorporate similar language into other resolutions on the situation of human rights in other countries. In addition, it could call for a report on the impact of militarization on economic, social and cultural rights.

65. Ms. Butts (International Peace Bureau) said that there could be no peace without economic justice. Extreme poverty was universal, as noted by the independent expert on human rights and extreme poverty, Ms. Anne-Marie Lizin, who should be thanked for shining a light on the poverty that existed in the United States and other developed nations. The debate on poverty and economic, social and cultural rights had focused mainly on the economic problems of the developing world and their impact. Yet extreme poverty persisted in the most "developed" countries. In the United States of America, unemployment and low wages existed in the shadow of the economic boom. The social welfare reform bill promulgated by President Clinton in 1996 had shrunk the social safety net by limiting to five years the duration of government assistance, thereby restricting the exercise of economic rights. Moreover, the United States-style social reform was emulated and replicated throughout the developed world, thereby dismantling world-wide the responsibility of States in the social sphere.

66. Her organization wished to draw the Commission's attention to the petition entitled "Poor people's economic human rights campaign versus the United States of America" that had been submitted to the Inter-American Commission on Human Rights on 1 October 1999. She urged the members of the Commission, particularly those from the Americas, to support the petition at the regional level.

67. In the United States, the poor of all colours were disappearing from the welfare rolls and unemployment statistics, and the prisons were filling with the disappeared. Until the international community understood the truth about poverty in the United States, the poor of that country would continue to speak out.

68. Her organization called on the United States of America to ratify the International Covenant on Economic, Social and Cultural Rights and hoped that all States would adopt the draft optional protocol to that document.

69. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education (OIDEL)), said that his organization welcomed the important work done by the

Special Rapporteur on the right to education, Ms. Tomasevski, but regretted that it had contributed nothing new to the study of the relationship between the right to education and freedom of education. In particular, it failed to refer to the report submitted by Mr. Mustapha Mehedi to the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/1999/10), which the Sub-Commission had adopted unanimously. That report convincingly revealed that the right to education could not be considered without including the dimension of freedom. Far from being a partisan demand, freedom of education was part of the inviolable core of the right to education.

70. As described in the international instruments, freedom of education included the right to set up and manage non-governmental schools, the right to teach and the right of parents freely to choose the type of education they wished for their children. In that respect, the Special Rapporteur's report remained very tradition-bound and did not take into account the obvious need for educational pluralism, something which a centralized approach to school systems could not provide. In addition, freedom of education must go hand in hand with the provision of basic education free of charge. The fact that parents who exercised the freedom of education might not be able to get such education free of charge was a source of discrimination.

71. His organization suggested that consideration of the right to education should in future take into account all the relevant fundamental freedoms. It hoped that the Special Rapporteur on the right to education would study State practice in depth and take into account the case law of the Spanish Constitutional Court and the French Constitutional Council. Recognizing the freedom dimension of the right to education was the only way of promoting access to education in countries where such access was still a problem, ensuring that such education was acceptable to parents and their children and guaranteeing the adaptability of education to the increasingly diverse needs that were emerging.

72. Mr. J. SANCHEZ (American Association of Jurists) said that his organization had submitted a written statement (E/CN.4/2000/NGO/90) in which it analysed some of the Agreements reached at Marrakesh in 1994 and the WTO machinery and concluded that the Agreements favoured the interests of transnational corporations and the major Powers to the detriment of the rights of peoples. In another written statement, submitted jointly with Centre Europe-Tiers Monde (E/CN.4/2000/NGO/93), it analysed the external debt of Southern countries and countries with economies in transition and showed that the perpetuation of the debt and the obligation to reimburse it under abusive conditions were merely means of subjecting the debtor countries to globalization and ultra-liberal economics.

73. Globalization, which concentrated wealth in the hands of the few, foreign debt and unfair exchange rates were the principal obstacles to the enjoyment of economic, social and cultural rights by a good part of the world's population. The joint report by the Special Rapporteur on the effects of foreign debt, Mr. Figueredo, and the independent expert on structural adjustment policies, Mr. Fantu Cheru (E/CN.4/2000/51), was extremely interesting in that it clearly showed the dramatic consequences of prevailing policies on debt and structural adjustment. His organization agreed with the Special Rapporteur and the independent expert that the balance sheet of OHCHR work in the field of economic, social and cultural rights was unsatisfactory and thought that that was attributable to a political will to establish close relations with the large transnational corporations and the World Bank.

74. The World Bank, which had proclaimed its political neutrality and specific character in the days when the General Assembly was condemning the apartheid regime, was currently present in all fields, implementing neo-liberal policies of transnational economic power. The Global Sustainable Development Facility, mentioned by the High Commissioner in her report on the right to development (E/CN.4/2000/20), was a cooperation agreement between UNDP and a group of large transnational corporations, most of which were responsible for serious violations of political, civil, economic and social rights and for environmental damage. The High Commissioner should pay rather less attention to economic power and rather more to the victims of that power.

75. Ms. DROZ (International Movement ATD Fourth World) said that, as the High Commissioner for Human Rights had emphasized in her opening statement to the Commission, extreme poverty was currently the most important challenge to all those concerned with the protection of human rights. A consensus had gradually been reached on that question within the international community. The Commission's work on the link between human rights and extreme poverty, begun in 1989, had made a significant contribution thereto. The distance travelled since the statement made to the Commission in February 1987 by Father Joseph Wresinski, the founder of her organization, was most impressive. There had been some significant milestones along the way such as the recent report submitted by the independent expert on extreme poverty, Ms. Anne-Marie Lizin, the study submitted to the Commission in 1997 by the Special Rapporteur, Mr. Leandro Despouy, and the World Summit for Social Development in Copenhagen. The time had come for the international community to move from the proclamation of rights to their real and effective implementation. Indeed, proclaiming rights without supplying the means to implement them, even gradually, meant entertaining illusions and preparing for discredit and despair.

76. Noting that the Commission had instructed the independent expert to work on a draft United Nations declaration on extreme poverty and human rights, her organization hoped that the independent expert would deepen her thinking on the subject in consultation with the people and population groups concerned and that the Commission would, by means of a draft resolution, ask the independent expert, in the context of her second mandate, to try and identify and assess the best ways of ensuring the participation of very poor people in political and civil life. Moreover, the declaration on extreme poverty and human rights should open the way to a more compelling instrument such as an international convention on the elimination of poverty, the idea of which had been launched by the ILO Director-General in the context of the assessment carried out at the Copenhagen Summit. It was to be hoped that such a convention could be adopted before the end of the first United Nations Decade for the elimination of poverty (1997-2006). All States would be able to share assessments, concerns and experience, in an atmosphere of cooperation, within the context of supervising the application of that convention.

77. Mr. HUMAN HAMID (Third World Movement Against the Exploitation of Women) said that Indonesia had still not ratified the two International Covenants on Human Rights but that several changes could already be seen in the attitude of its Government towards human rights. The enactment of a Human Rights Act and the creation of a new position of Minister of State for human rights were signs of goodwill and of a new focus in government policy. It remained to be seen how those intentions would translate into reality.

78. In general, the Indonesian Government was more concerned about civil and political rights than issues related to economic, social and cultural rights. That neglect could be seen in the retention of the ban on certain marginal jobs in the informal sector and the failure to provide protection for migrant workers. Like other developing countries, Indonesia was trying to achieve high economic growth on the basis of international loans, foreign investment and massive exploitation of natural resources. That policy had not, however, created a solid economic base or improved the welfare of the people. On the contrary, it had created an economic gap between the urban and rural areas. Large investment projects had not only destroyed natural resources but had also caused human rights violations and environmental damage and destroyed the livelihood of the indigenous and local people who had owned those resources. Many foreign and domestic logging companies, operating in various provinces of the country, had destroyed millions of hectares of tropical forest and caused serious loss of biodiversity. Industrial activities had polluted air, water and land and had also destroyed coastal areas and marine life.

79. It was essential that Indonesia should ratify as soon as possible the International Covenant on Economic, Social and Cultural Rights and should begin immediately to integrate international standards into its domestic legislation. The Indonesian authorities should also introduce new decision-making mechanisms that would be transparent and involve the local populations.

80. Ms. CARCANO (Women's International Democratic Federation (WIDF)) said that women were the most affected by neo-liberalism, since it was the health and education services, social security regimes and the limited infrastructures intended for women and children which suffered most therefrom. Neo-liberalism led above all to a worsening of the situation of the women belonging to the underprivileged classes of the population.

81. However, the situation of women in Cuba was an exception. In that country, subjected to an economic and financial blockade by the Government of the United States of America for more than 40 years, the population - including the female population - enjoyed a high standard of education. The Government had the political will to ensure the well-being of its people, with due regard for environmental and social aspects and guaranteeing equality between the sexes and an equitable distribution of resources and cultural diversity. Civil society shared in political life in democratic ways. Cuban women were proud to belong to a people which could face up to adversity and took the side of the world's outcasts. Her organization asked once again for an end to be put to the blockade imposed on the Cuban people by the Government of the United States of America.

82. Mr. RAVENNA (Permanent Assembly for Human Rights) said that, as the General Assembly had recalled in its resolution 32/130 of 16 December 1977, the full enjoyment of civil and political rights was impossible without that of economic, social and cultural rights. States should thus do their utmost to implement the latter rights.

83. However, the situation in Latin America showed that there was no automatic link between economic growth and human development. In 1999, the number of unemployed had increased by 4.5 million and there were 18 million unemployed in the cities. Argentina was a typical case in that regard, since the rate of unemployment there had reached 13.8 per cent and the rate of underemployment had increased by 14.3 per cent, which meant that 3.8 million

Argentine workers had employment problems. That social exclusion phenomenon resulted inter alia from structural adjustment policies. Nevertheless, as UNDP had stated, poverty was not inevitable and a dozen or so developing countries had shown that the elimination of utter poverty was not a pipe dream. It was necessary, above all, to put an end to the current inequitable distribution of wealth which produced an ever-widening gap between the developed and the developing countries. Moreover, it was not possible to escape being sidelined without access to the know-how and vocational training that were essential in the twenty-first century.

84. During the 1990s, throughout Latin America, the State had gradually given up supplying social services such as health services and education. That was the reason for the profound changes that had occurred in education in recent years. The objectives of education were achieved only in the privileged classes of the population while, in the underprivileged classes, the school's teaching role had been transformed into one of simple social assistance. Education decentralization projects had thus promoted not self-reliance but social cleavage. As a result of that policy in Argentina, the Federal Education Act had made education a commodity to which only the upper classes had access. What should have been a universal right had thus become a privilege.

85. Mr. GRABER (Defence for Children International), speaking also on behalf of nine other NGOs (Baha'i International Community, Education International, International Alliance of Women, International Council of Women, International Federation of University Women, World Federation of Methodist and Uniting Church Women, World Vision International, World Young Women's Christian Association and Zonta International), congratulated the Special Rapporteur on the right to education who in her report (E/CN.4/2000/6/Add.1 and 2) had identified the obstacles to the realization of that right with a view to their elimination and reminded States of their obligations to respect, protect and fulfil the right to education. Some 125 million children of school age, a majority of whom were girls, still had no access to basic education and a great many of those who did enter the education system failed to complete their studies. It was clear that Governments had not honoured the commitment they had entered into in 1990 at the World Conference on Education and that the targets set on that occasion had not been reached.

86. The reasons for that failure were multiple and complex. First and foremost was poverty, since lack of resources and indebtedness had considerably reduced the capacity of most developing countries to provide universal access to free primary education. There was a lack of political vision as well as the adverse effects of the structural adjustment policies imposed by the Bretton Woods institutions, which had disastrous consequences for the poorest children. In addition, the volume of international aid for education had considerably declined and education was not a priority item in most national budgets, a large share of which was often allocated to military expenditure.

87. It was therefore essential to review those national and international policies and bring them into compliance with the principles set out in the Universal Declaration of Human Rights and reaffirmed in the Convention on the Rights of the Child, so that the right to education could be implemented as a human right at all levels - civil, political, economic, social and cultural. Consequently, States had the obligation to ensure access to education by all children on the basis of equal opportunity and non-discrimination. The reality was, however, that millions of children - girls in the majority - disabled children, children in rural areas, children belonging to

minority groups, refugee children and children in prison were denied education. Those children, referred to as "excluded" or "marginalized", were in fact prevented from going to school. Such discrimination in education was not tolerable.

88. Finally, States also had the obligation to care about the contents and methods of education and the training and the support given to teachers which should be consistent with the universally recognized aims of education in accordance with international human rights standards. Education could then become more than a commodity or a service; it was a "public good" which provided the foundation for a democratic society as well as for the economic growth and sustainable development of all nations.

89. His organization, and the other organizations associated with his statement, therefore supported the launch of the NGO Global Campaign for Education aimed at mobilizing pressure on Governments to hold to their commitments to provide free, good-quality education for all. It called on States and international financial institutions to respect, protect and fulfil the right to education and to adopt all the necessary policy and budgetary measures required to meet their obligations. They also urged the Commission to grant the right to education the status it deserved by devoting a special resolution to it and to call on the forthcoming World Education Forum in Dakar to reaffirm the right of all children to primary education that was compulsory, free, non-discriminatory and relevant to their way of life, and to ensure that the programme of action to be adopted would include measurable and time-bound objectives consistent with international human rights standards.

90. Ms. EZEILO (International Human Rights Law Group) drew the Commission's attention to the issue of the denial of women's inheritance rights, which was a strong contributing factor to extreme poverty and amounted to a violation of the fundamental right of women to equality and to the principle of prohibition of discrimination on the basis of sex and deprived women of their economic, social and cultural rights.

91. In a great many African countries, such discrimination was rooted in the law and in practice. When a man died, his relatives took possession of all property belonging to the couple, so that the widow was left destitute in extreme poverty. The severe economic challenges faced by Africans became almost insurmountable for a woman on the death of her husband. Such customs were a major impediment to the elimination of poverty at the household, national and global levels. The ability of women to have access to and own land was critical to their full and equal participation in the agricultural and economic development of any country. Such laws and practices thus undermined efforts to encourage the full participation of women in sustainable development activities. Although they had ratified the major international human rights instruments, most African Governments had not taken any steps at the national level to ensure women's right to inherit.

92. Her organization therefore called on the Commission to undertake an urgent study on discriminatory inheritance laws and practices and their causes and their consequences for women and children in Africa and to ask the thematic and country rapporteurs whose mandate covered African countries to include those problems in their field missions and reports. The

Special Rapporteur on violence against women and the independent expert on extreme poverty in particular should be encouraged to examine the links between the denial of inheritance rights and violence against women and extreme poverty respectively.

93. Ms. HERNANDEZ FUENTES (National Union of Jurists of Cuba) said that the Cuban Constitution established the obligation of the State to guarantee the right of all Cubans to work, to decent means of subsistence, to medical care, to food, to education and to culture. The world had witnessed the efforts of the Cuban Government to institute social justice on the basis of popular participation and a fair distribution of wealth. For the past 7 years, her organization had been asking the United Nations General Assembly to intervene to ensure that the United States would put an end to more than 40 years of an illegal and inhumane policy implemented in a number of different forms: direct military intervention, introduction of diseases into the country, encouragement of illegal emigration and the organization and financing of activities which undermined public order and Cuban security.

94. The maintenance of the economic, trade and financial blockade imposed on Cuba by the United States and the application of the Helms-Burton Act and the Toricelli amendment which blocked trade relations with Cuba and, in particular, prevented it from purchasing the food and medicines required to meet the needs of children, the sick, the elderly and women, were acts contrary to the Convention on the Prevention and Punishment of the Crime of Genocide. They struck a blow at the sovereignty of other States, violated that most sacred of rights, the right to life, and undermined the economic development of Cuba and of all countries desirous of trading with it.

95. Mr. PORRET (Association of World Citizens) said that many factors contributed to making economic, social and cultural rights a matter of major concern in a world in which ultraliberalism was in the process of becoming the mainstream thinking of the ruling circles and where the frantic pursuit of instant profit augured ill for the evolution of the planet and the future of forthcoming generations.

96. The lure of gain was so strong that nothing, not even the warnings of eminent scientists or current climate changes, reined in the destructive approach of the big transnational companies. The rapid deterioration of the planet was being felt not only in the poor countries of the South but also in the countries of Europe with their generally stable climates where storms were assuming proportions rarely encountered in the past. The policy of the agribusiness companies was particularly dangerous, not to say suicidal. Every effort was being made to force the peoples to consume products such as genetically modified organisms whose long-term effects were unknown, while mad cow disease and the contamination by dioxin of chickens and eggs showed just how dangerous it was to the human race to interfere in the food chain. His organization also denounced the destruction of the ozone layer which was linked to gas emissions, deforestation, the pollution of seas and rivers by industrial waste and oil and the construction of large-scale dams with catastrophic consequences for local populations. Everything went to show that the hopes that had emerged from the Rio Conference of making the right to a healthy environment a reality had been largely dashed.

97. In addition institutions such as the WTO took decisions in favour of the large transnational corporations and almost always acted in the interests of the most powerful. The

World Bank had brought out a brochure on its role in the eradication of poverty and yet the World Bank and IMF only granted loans subject to draconian conditions and above all required the dismantling of social structures. Even in countries like Thailand, where IMF intervention was officially considered to be a success, the number of poor people had increased considerably.

98. The Commission on Human Rights was regarded as the conscience of mankind; it was a unique venue for meeting and for exchanging information where abuses, even at the highest level, could be denounced. It should help to check liberalism run wild and to promote an ideology of cooperation and respect among human beings.

99. Ms. MARWAH (International Institute for Non-aligned Studies (IINS)) said that the peculiar characteristics of each group in a society should be taken into account to create the necessary political, legal and institutional frameworks to recognize and protect economic, social and cultural rights. Most contemporary societies were marked by diversity. Equality of representation and opportunity were essential if each constituent of a society was to exploit its potential to the best effect while preserving its unique heritage. Democracy was the only system in which each citizen could play an equal role in fashioning the destiny of a nation, but the virtues of democracy could only be understood with an education system that enabled each individual to understand the values of coexistence and respect for all.

100. The unique features of each society should also be considered when economic models were designed for growth and development. Democracy was not always perceived in the same fashion from one culture to another. In traditional societies, democracy meant political equality but traditional structures were kept within the family, ensuring the preservation of social and cultural values. It should not be forgotten that the preservation of economic, social and cultural rights sometimes required concerted group action often deriving from tribal or family structures. Materialism had numerous attractions but it also had adverse effects which were evident in many developing countries. The lack of resources to meet the expectations of the younger generations attracted by foreign lifestyles led to frustrations which generated social tensions, problems and nonsensical situations. A country in which the majority of the population had no access to clean drinking water could thus be persuaded to invest scarce resources in the production or purchase of various brands of aerated drinks or ultra-modern cars. The entire process of development was being reversed with consumerism taking precedence over infrastructure building.

101. The best way to preserve economic, social and cultural rights was to allow each society to evolve at its own pace and to move slowly through all the stages of development. In order to meet the needs of the population, however, effective participation in the political process through the proven system of democracy was essential.

102. Mr. HTUN (Worldview International Foundation) recalled that the right to life, the most fundamental right of all, was the link between human rights, environmental rights and development rights. There could be no environmental protection or sustainable development without social and political justice. The regions most threatened by poverty and environmental degradation were generally those inhabited by ethnic minority groups; it was essential to reinforce the protection of their rights.

103. Burma was a typical example of a wealthy country which had declined to the level of the least developed countries because the ruling military elite denied its people their human rights and fundamental freedoms. Poverty, ethnic conflicts and environmental degradation were in evidence everywhere. Forcible population transfers and various forms of human rights violations had led to the destruction of the socio-economic fabric, the internal displacement of about one million people and a continuous flow of refugees into neighbouring countries. Since the military had come to power, timber exports had become the major foreign exchange earner. In central Burma, landlessness and deforestation were the main causes of extreme rural poverty. The deteriorating economic situation explained the high level of infant and maternal mortality and malnutrition. The right to education was no longer a reality since most schools and universities in Burma had been closed following the student protest movements and had remained closed since December 1996.

104. Burma was likely to face total socio-economic collapse in the near future. His organization urged the Commission to express its concern at the violations of the economic, social and cultural rights of the Burmese people, the root cause of which was also the denial of political rights, as the Special Rapporteur on the situation of human rights in Myanmar had concluded.

Statements in exercise of the right of reply

105. Mr. RAJA NUSHIRWAN (Observer for Malaysia), referring to the statement made on behalf of Rural Reconstruction Nepal, said he wondered whether the speaker was a genuine member of the NGO in question and whether his behaviour was consistent with the rules of the Economic and Social Council on NGO participation in the work of the Commission.

106. Contrary to his allegations, not only had economic benefits been evenly distributed in Malaysian society but that society had never before been so racially coherent. The NGO representative in question seemed to have forgotten that the country had experienced its worst racial riots in 1969 precisely because of the economic disparity between races, prior to the arrival in power of the Government that he was criticizing. It was the racial quotas imposed since then that had led to the success of the new economic policy. The benefits of that positive discrimination had been hailed throughout the world.

107. Mr. VENKATESH VARMA (India), referring to the statement made at the previous meeting by a high-level official of the military regime in Pakistan, said that his virulent tirade against India was neither new nor surprising. He represented a regime headed by an army which had not only repeatedly extinguished democratic governance in its own country but had also been in the forefront of the vested interests in Pakistan for whom hostility towards India had become a reflex. Pakistan must realize that hostility towards its neighbour could not constitute the basis for a country's progress and prosperity. Progress demanded first and foremost the strengthening of democratic national institutions, which were singularly lacking in Pakistan.

108. It should be recalled that Pakistan had responded to the Indian Prime Minister's offer of peace by a fresh attack in the Kargil sector of Jammu and Kashmir, which the representative of Pakistan had tried to cover up by making false accusations against India. Only a direct bilateral dialogue could lead to a peaceful resolution of the outstanding issues between the two countries.

Pakistan claimed to be in favour of dialogue but the intensification of terrorism and the propaganda campaign it was conducting against India did not indicate that it was sincerely seeking to enter into such a dialogue.

109. Mr. QAZI (Pakistan) said that Pakistan was what it was but made no claim to be what it was not, unlike India where fascism was in power masquerading as democracy. It did not have an army 70,000 strong engaged in committing gross violations of the human rights of an entire people in Jammu and Kashmir. For India, everything that occurred in the region could always be attributed to terrorism or to Pakistan. In fact, the problem of Kashmir was its illegal occupation by India, compounded by repression against the Kashmiris to prevent them from demanding the right of self-determination promised to them by the United Nations Security Council and recognized by Jawahar Lal Nehru, the first Prime Minister of India, in 1951.

110. Pakistan had never stopped proposing dialogue to India, but the latter had rejected all its offers and Indian forces had even intensified their attacks along the line of control apparently as provocation; Pakistan's forces were, however, refusing to respond to such provocation. In the circumstances, it might be wondered who was demonstrating compulsive hostility to whom.

The meeting rose at 6.05 p.m.